Supreme Court, U.S.
FILED
06-392 SEP 11 2006
OFFICE OF THE CLERK

Docket No: _____

United States Supreme Court

Glenn Henderson
Plaintiff

v.

Sony Pictures Entertainment, Paul, Hastings, Janofsky, & Walker, LLP, Holly Lake, Eve Coddon, James Zapp, and Amy Dow

On Petition for a Writ of Certiorari to the Supreme Court of California

Petition for Writ of Certiorari

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Questions

1. Is Section 391 of the California Code of Civil Procedure constitutional or not constitutional under the United States Constitution, such as in the 14th, 5th, 1st and 8th Amendments?
2. Was my right to sue wrongly taken away?
3. Does the section create a monopoly?
4. Was the California Constitution violated?
5. Should I have gotten to present my evidence at a hearing and can the hearing be unfair if plans for a trial are revealed; was due process violated?
6. Were other federal or state laws violated?
7. Are the order and the section consistent with other federal and state laws and with other cases?
8. Did my case have merit?
9. Is it okay or not okay that the defendants had already requested to get this type of order in federal court, but the request was denied?
10. Is dismissal necessarily adverse?
11. Should all of my cases have gone to trial?
12. Is the section, even if declared legal, being used for what it was intended?
13. Must there be bad faith to have to post security or be declared a vexatious litigant?
14. Must the five or more cases in seven years that were finally determined adversely and that could be used to declare someone a vexatious litigant be so determined because of lack of merit or are other reasons okay?
15. What are meant by merit and frivolous?

16. Must the five or more cases in seven years that were finally determined adversely and that could be used to declare someone a vexatious litigant be so determined because of being frivolous or are other reasons okay?
17. Was there bias in the law and in how it was used in this case and/or other cases and/or all cases?
18. Could the Appeals Court Presiding Judge have reasonably concluded whether there was an attempt of harassment or delay?
19. Was there abuse of discretion by the judges and wrongful behavior by the judges and defendants' lawyers, and if so, should and can anything be done?
20. Were my rights violated by not getting a trial by jury?
21. Are the section and label of vexatious litigant defaming and incendiary?
22. Is there an adverse effect on people in general and on state and national interests, such as if cases with merit are not allowed to be filed or if security must be posted for a case with merit or for having cases with merit dismissed?
23. Do Paul, Hastings, Janofsky, & Walker, LLP, Holly Lake, Eve Coddon, James Zapp, and/or Amy Dow fit the definition and/or a definition of vexatious litigant as defined in Section 391 of the California Code of Civil Procedure and fit the way or a way to have to pre-file or pay security because of their actions with me or anyone else or fit a federal definition of vexatious litigant or

similar federal definition or violate any federal law related to their court papers and behavior?

24. Do the defendants have dirty hands as in the dirty hands doctrine?
25. Does the law discriminate?
26. Can California courts and judges be neutral or unbiased about the constitutionality of a state law?
27. Is it relevant if a pro se litigant wanted a lawyer and could not find one and/or was never told by a consulted lawyer that he or she had no case?
28. Are lawyers, who are told by their profession or a code to do what is in the best interest of their clients, including not getting to the truth, confusing, and misleading, really less likely to file a lawsuit without merit or that is dishonest, than non-lawyer pro se litigants, who must obey the law and do what their consciences tell them?
29. Does the statute chill zealous advocacy?
30. Is there an alternative, that is fair to all, that attempts to keep down costs and time for the defendants, courts, and plaintiffs?
31. Was the final issue in my problems before my employment termination about serving too long on jury duty in California Superior Court, the very court that punished me under the statute, and is that hypocritical of the court?
32. If a case has merit, is it okay for a judge to rule that a pro se litigant has no probable chance of winning?

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Superior Court Judge Hilberman verbally stated approximately that it appeared all my cases came from the same events and that I definitely lost five or more cases.

In an order to dismiss my appeal of being declared a vexatious litigant, being required to post security, and being required to pre-file any future cases, Appeals Court Presiding Judge Boren said that I was "a Vexatious Litigant within the meaning of Code of Civil Procedure s 391(b)," was "subject to a duly issued prefiling order," and that I had "failed to meet (my) burden of showing that (my) appeal has merit and has not been taken for the purpose of harassment or delay." In an order to dismiss my appeal of the case being dismissed, Judge Boren also said I had "failed to meet (my) burden of showing that (my) appeal has merit and has not been taken for the purpose of harassment or delay," and also claimed I "did not request approval from the Administrative Presiding Justice."

The California Supreme Court denied my petition for review

Basis for Jurisdiction

Date California Supreme Court denied petition for review: 6/14/06

This Court should have jurisdiction because the California Supreme Court denied a petition for review and because there are constitutional and federal issues involved.

Statutory provision believed to confer jurisdiction on this Court: Petition for Writ of Certiorari may be filed after a petition to a state's highest court.

Constitutional Provisions and Statutes

The right to "petition the Government for a redress of grievances" is in the 1st Amendment.
The right to equal treatment, due process, and the right to privileges in every state is in the 14th Amendment. The 14th Amendment states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."
The 5th Amendment states that no person shall be "deprived of life, liberty, or property without due process of law."
The 8th Amendment prohibits punishment that does not fit the wrong or "cruel and unusual punishment."

Statement of the Case and Points

The federal questions in this case were raised in California Superior Court when I made a reply to the defendants' motion to use California Code of Civil Procedure Section 391. The judge issued an order granting the motion and requiring security. I did not post security, and the judge issue an order granting the defendants motion to dismiss. I appealed to the California 2nd Appellate District. I was told to show

that my case had merit and was not for harassment or delay. I replied and pointed to laws. I stated I wanted my rights protected, remedy for wrongs, and to clear my name, and was not harassing or trying to delay. I asked for a rehearing, but it was denied. I petitioned for review by the California Supreme Court, but the request was denied.

1. Is the 14th Amendment violated because California Code of Civil Procedure Section 391 does not apply to everyone and only applies to pr se litigants and privileges are taken away? If the 14th Amendment were violated, could the judges and lawyers in this case not see it? Does the statute violate the 5th Amendment right to not be deprived of life, liberty, or property without due process of law? Does the statute violate the 1st Amendment right to petition the Government for a redress of grievances? Does petition mean to be able to ask even if turned down? Does the punishment allowed by the statute violate the 8th Amendment? A person can be banned from the California courts forever and put on a list and called a vexatious litigant. Is that a terrible thing to be called? A judge can require posting of security for the opposition's benefit regardless of whether a case has merit or not. Can some people not ever afford to post security? In this case, I challenged a settlement and hoped for a trial about issues that the settlement covered, and I pointed to contract laws to show my case had merit. I was trying to show I was fraudulently denied workers' compensation benefits,

and that I was threatened and harassed about free speech. The appeals court judge said I did not show my case had merit or that I was not appealing for harassment or delay. I could not understand if the judge said I had not shown all three or one or two. Is it clear that it is hard to believe or implausible that a person would want to harass rather than undo harm to a reputation and career and get health benefits and enjoy the right to free speech?

Does the Constitution say the Constitution is to establish justice and is there justice in the statute or in this case?

Was it required and was it wrong for the plaintiff to have show or prove 3 things: that there was merit, no intent to harass, and no intent to delay? How does one prove what they are thinking? Should the court be required to state why there was allegedly no merit, and/or was harassment, and/or was intent to delay?

The statute can be used against a person who has five cases finally determined adversely in 7 years even if the cases had merit. The defendants claimed I had more, but did they not show only four of the cases they cited had all issues finally dismissed with prejudice after appeals or time to appeal expired? Of those four, were three dismissed because of a statute of limitations issue and one dismissed because of an immunity issue? I am not sure if immunity is an issue about merit or not, but is a statute of limitations issue or jurisdiction issue a procedural issue and not a merit issue? Did all my cases have merit on at least one issue, even the four that were completely

dismissed with prejudice? A person can have the statute used against him or her for one tactic that is ruled frivolous or for motions ruled frivolous, even if made in good faith. Is it true that a lawyer can do the same thing without punishment or action against him or her as long as bad faith was not proven or shown?

I found an article on the Internet called "Constitutionality of California's So-Called "Vexatious Litigant" Statute" and written by L. Neuton that makes the following points in this Question 1. I do not want to claim that I thought of them. Are many cases lost because of the "vagaries of the trial process" as the court in *Wolfgram v. Wells Fargo Bank* says? Did the Judicial Council of California have doubts about the statute foreclosing the courts to some people and being unconstitutional? Is the statute overbroad? Will it chill others wishing to act on their own in court? Are *Wolfgram v. Wells Fargo Bank* and *Taliaferro v. Hoogs* rulings flawed? Is *Boddie v. Connecticut* relevant here? Is it wrong to deny access to courts because one cannot pay a fee? Is *N.A.A.C.P. v Button* relevant? Are *Brooks v. Small Claims Court* and *Beaudreau v. Superior Court* - relevant? Is the taking of money unconstitutional even if it is possibly temporary? Is *Stanley v. Illinois* relevant regarding the idea the "Court has not".... embraced the general proposition that a wrong may be done if it can be undone."

Is not being blameworthy, acting in bad faith, or being vexatious in the dictionary sense not relevant in the statute, and if so, is that in opposition to *Bell v.*

Burson and *Stanley v. Illinois*? Are pro se litigants who lose five cases in seven years presumed deserving of punishment only because of the losses? Are incompetence or making mistakes not the same as bad faith? Are *Monex Intl., Ltd. v. Peinado*, *Neel v. Barnard*, *Barbier v. Connolly*, and *Taylor v. Bell* relevant?

Is the "strict scrutiny" standard of review appropriate? Is *Gould v. Grubb* relevant? Is access to the courts a fundamental right? Is pro se status a suspect classification? Is the statute furtherance of a compelling state interest and why would not including corporate or individual litigants with lawyers not be considered furtherance of any claimed compelling state interest? Is the right to defend one's property and/or name in court and to be free of government stigmatization a fundamental right? Is *California Motor Transport v. Trucking Unlimited* relevant? Is the right to defend oneself and property in court in pro se a protected right and "one of the most important rights under the constitution and laws" as in *Elmore v. McCammon*? Does the statute invidiously discriminate? Is the label, vexatious litigant, a clear mark of discredit and a stigma? Does the term mean malicious as in 92 C.J.S., s.v.? Is *Jenkins v. McKeithen* relevant as in the idea that public branding of a person implicates interests cognizable as either "liberty" or "property?" Is *Wieman v. Updegraff* relevant because due process comes into play when the state attaches "a badge of infamy" to a citizen? Does one need not be malicious

or truly vexatious in any way to be labeled a vexatious litigant under the statute and does *NAACP v. Button* apply because "A state cannot foreclose the exercise of a constitutional right by mere labels?" Are some punished and others not punished for the same thing, i.e. pro se punished and litigants with lawyers not punished, and is *Skinner v. Oklahoma* relevant? Are courts a public forum and speech related and do *Carey v. Brown, Perry Education Assn v. Perry Local Educators' Assn.,* and *Cornelius v. NAACP Legal Defense & Ed. Fund* apply? Is wealth or being poor a suspect classification and deserve special scrutiny? Does the statute discriminate against poor people who cannot afford attorneys' fees? Has the United States Supreme Court overturned laws because of their impact on the poor? Are *Douglas v. California* and *Boddie* relevant? Are California's Vexatious Litigant Legislation 52 CAL.L.REV. 204 (1964) at 205-6 later citing *Griffin v. Illinois* and *Burns v. Ohio* relevant? Do California Penal Code section 158, California Code of Civil Procedure sections 128.5 and 907, motions for summary judgment, actions for malicious prosecution and res judicata serve the claimed purpose of the statute but without discrimination against pro se litigants and by applying to all? Is *Miller v. Lux, Inc. v. James* relevant?

Does the statute fail in a lenient standard of review? Is the presumption that a pro se litigant is more likely to file a groundless lawsuit than a lawyer-represented litigant irrational? Is the legal difference

between a lawyer-represented litigant and a pro se litigant illusory and does *S. Royster Guano Co. v. Com. Of Virginia* apply? Is a litigant a litigant and the lawyer simply an agent standing in the place of a litigant? Does *Williams v. Vermont* apply? Is the purported purpose of the statute to stop groundless litigation as in *Wolfgram*? Does not *Walters v. Nat. Assn. of Radiation Survivors* say "the role of counsel is not to make sure the truth is ascertained but to advance his client's cause by any ethical means? Within the limits of professional propriety, causing delay and sowing confusion not only are his right but may be his duty?" Has not the idea that lawyers and groundless litigation go together been perceived by most people throughout history since ancient times?

Are lawyers in business and law firms businesses? Is *Bates v. State Bar of Arizona* relevant? Does the statute help lawyers have a monopoly? Were non-lawyers allowed to help others in court in earlier days of the United States? Were lawyers banned in colonial times? Does losing five litigations mean the cases did not have merit? Does litigiousness alone support the statute? Are *De Long v. Mansfield* and *Moy v. United States* relevant here? Can a party win a case and be litigious as in *re Kun*? Does the statute not consider merit and punish litigiousness and not vexatious behavior, and is it contrary to public policy and social peace? Is *Crowley v. Katleman* relevant?

Is due process violated by going against a principle rooted in the traditions and conscience of Americans such as the Magna Carte guarantee that

justice is not for sale? Are *Snyder v. Massachusetts* and 16D CJS, s.v., *Constitutional Law* section 1433 relevant? Are lawyers officers of the court as in *People v. Mattson*? Do the courts belong to the public and not an industry? Does the American Bar Association's *Canons of Judicial Ethics* section 2 say Courts exist to promote justice, and thus to serve the public and is that relevant here?

Does Section 391.7 constitute government censorship by an unlawful prior restraint on the right to petition and is that not permissible under the First Amendment? Is *Smith v. Silvey* relevant? Is *Sweezy v. New Hampshire* relevant? Does *Wolfgram* say the restraint is partial, not content based, and presumed a judge will allow a colorable case to be filed? How can a presiding judge rule that a case is colorable without looking at the content of the papers? Is 13 CAL JUR)Rev) Part 1, s.v. "Constitutional Law section 287 (noting *RE Lambert (1901) 134 Cal. 626*) relevant? Can and does "the right to a hearing depend on the whims and caprices of others, or on the discretion of the judge who is to make a decision on the issue" and is the litigant "not protected in his or her constitutional rights?" Does *Wolfgram* say clogging courts is a reason to justify the statute? Is clogging the courts not a ground for denying access to courts? Are *Weeks v. Roberts* and 1Am Jur 2d section 43, s.v. "Novelty of Action relevant? Does *Wolfgram* consider section 391.7 to be closer to "licensing or permit systems" rather than a prior restraint that requires a showing of clear and present

danger and is that accurate? Is abuse of the judicial system properly the subject of a case by case judicial determination? Must a licensing scheme take "place under procedural safeguards designed to obviate the dangers of a censorship system" ~~to~~ avoid "constitutional infirmity" as in *Freedman v. Maryland*? Does the statute meet these or any of these procedural requirements? Is *Carroll v. Princess Anne* relevant? Is *Niemotko v. Maryland* relevant? Is the merit of litigation determined by the litigation itself and not by a pre-judgment?

Is the right to file litigation not limited to cases with merit if a complaint is brought with good faith? Are *Bartholomew v. Bartholomew* and *Stevens v. Frick* applicable?

Must a pre-filing order be narrowly tailored to closely fit the claimed specific wrong? Does that happen with section 391.7? Are *De Long v. Hennessey, Bridges v. California*, and *Near v. Minnesota* relevant? Are pro se litigants suppressed and censored under the statute?

Does section 391.7 circumvent the criminal procedural protections of California's barratry statutes? Is the operation of section 391.7 a form of regulation impermissibly superimposed on the state's criminal regulation of groundless litigation and therefore circumvents the criminal procedural protections of California Penal Code sections 158 and 159? Is *Bantam Books, Inc. v. Sullivan* relevant? Is constitutionally protected and meritorious litigation suppressed?

Is lifetime loss of a fundamental constitutional right proportionate to the claimed offense of losing five litigations in seven years? Is the length and/or severity prohibited under the 8th Amendment? Is *Solem v. Helm* relevant? Is *Robinson v. California* relevant? Is any significant punishment for something not blameworthy unconstitutional? Are the punishments in Section 391 significant and what is the gravity of losing five cases within seven years or one tactic deemed by a judge to be frivolous? Is the punishment disproportionate to the claimed offenses? In determining constitutionality, is comparison with punishments imposed on others in a jurisdiction a criterion? Do lawyer-represented litigants receive no punishment at all for losing five cases within seven years?

Is due process denied by holding the pro se litigant's filings to the standard of an attorney? Is that contrary to *Haines v. Kerner*? Is *Dioguardi v. Durning* relevant? Is the tern "tactic that are frivolous" too vague, indefinite, and subjective? Is the statute too indefinite to enforce as in *Seaboard ACC. Corp. v. Shay*? If the definition in Webster's that frivolous means "of little or no weight or importance" is used, can people disagree on what is frivolous to them? Are *Connally v. General Construction Co.* and *Wotton v. Bush* relevant?

Does Section 391(b)4 deny a pro se litigant of due process by applying a finding in one action as res judicata for all future actions? Is the vexatious litigant a finding and not a judgment or order? Does

the finding give the res judicata force of a judgment that is made applicable to all future actions without benefit of a hearing? Is the finding in one case at a different time and circumstances not controlling for another time and different circumstances? Is *Clemmer v. Hartford Ins. Co.* relevant? Is the finding like hearsay evidence? Is *Bank of Visalia v. Smith* relevant? Is a finding without evidence arbitrary and baseless as in *Interstate Comm. Com. v. Louis. & Nash. RR*? Does Section 391(b)4 give greater dignity to the finding than to the order that is supported by the finding, and does that short-circuit the judicial process and deny due process of law? Is the presumption of blameworthiness arbitrary in the statute? Does a statute, that creates a presumption that is arbitrary or that operates to deny a fair opportunity to repel it, violate due process? Is *Manley v. State of Georgia* relevant? Must blameworthiness be determined on a case by case basis to meet the requirements of the 14th Amendment due process that is amended to the United States Constitution and in the California Constitution? Is *Gabrielli v. Knickerbocker* relevant?

Is due process denied because the statute requires an action, obtaining leave from a presiding judge to be allowed to file a case, to be taken without specifying the procedure for the action? Is *Brown v. Gibson* relevant? Is *Joint Anti-Fascist Refuge Committee v. McGrath* relevant?

Does the statute constitute a bill of attainder prohibited by Article 1, Section 10 of the United

States Constitution? Does *Wolfgram* agree that it does? Is the definition in *California State Employees' Assn v. Flournoy* relevant: that a bill of attainder is "a legislative act which inflicts punishment without a judicial trial?" Are *United States v. Brown* and *United States v. Lovett* relevant? Is it true that the hearing in Section 391(b)2 does not determine blameworthiness, and under Section 391.7, is no hearing at all required to be blacklisted for life or longer? Did the California Legislature circumvent a judicial proceeding by deciding for itself that persons within the definitions of the statute are actually blameworthy? Are *Crain v. City of Mountain Home, Ark., United States v. Brown at 447,*and *United States v. Lovett)* relevant? Does the statute punish? Are the goals of punishment retribution and deterrence, and does the statute do that? Are *U.S. v. Morgan* and *Cummings v. State of Missouri* relevant? Is there denial of a civil right, and is it punishment for past conduct? Was the 1990 part of the statute intended to punish one individual?

Is the statute a legislative and executive encroachment on the judicial branch by dictating who can be parties to an action? Are *Superior Court of Mendocino County v. County of Mendocino* and *Vidal v. Backs* relevant?

Does Section 391.7 constitute a government taking of property rights, and is that a cause of action? Are *Haro v. Southern Pac. R. Co., James v. Oakland Traction Co.* and *Anderson v. Ott* Relevant? Does *Joint Anti-Fascist Refuge Committee v.*

McGrath state that "Officially prepared and proclaimed governmental blacklists possess almost every quality of bills of attainder," and is that applicable here?

Does the list constitute a permanent and lifelong or longer defamation? Does the Court in *Board of Regents v. Roth* rule that "Where a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him, notice and an opportunity to be heard are essential....The purpose of such notice and hearing is to provide the person an opportunity to clear his name," and is that applicable in this case? Does the statute not allow a person to clear his or her name?

2. Was my right to sue, as allowed under federal law, wrongly taken away?

3. Does the statute allow attorneys to have a monopoly or unreasonable advantage in litigating? Is the attorney profession a business, and is it commercial?

4. Was the California Constitution violated, such as in regard to the right to a trial?

5. Was I unfairly denied the right to present evidence at a hearing and to speak at the hearing at another appearance? Was I wrongly denied the chance to speak in response to an opposing attorney's comments? Was it wrong for the judge to refuse to

look at my evidence before a supposed evidentiary hearing? Was there even an actual evidentiary hearing? Was I wrongly not given the chance to show my evidence at the supposed evidentiary hearing even though I stated in a paper that I wanted the chance to do so? Does an evidentiary hearing cause an unfair situation in that the plaintiff may have to reveal strategies for using the evidence at a possible trial? Was due process not given because neither the Superior Court judge nor the Appeals Court judge stated any reason why my case did not have or may not have had merit?

6. Were other federal or state laws violated, such as harassment, assault and/or battery, intentional and negligent infliction of emotional distress and other laws that I may or may not be aware of? Were my civil rights violated as discussed in United States Code Title 42 Sections 1983 and 1985? Was there conspiracy? Was their obstruction of justice? Was there malicious prosecution or similar wrong done? What laws may apply here? Does this cause stress, anxiety, and depression that are psychologically and physically harmful? Can stress lead to death? If undue and/or intentional stress causes death or early death, would the causing person(s) be guilty of murder? Is it scary or terrifying to not be able to defend one's life, liberty, and property because the courts will not allow it or because law enforcement will not investigate or respond? Was the Tort Reform of 1985 about huge awards or lawyers or pro se

litigants? Is California Civil Code Section 1708 about abstaining from infringing upon rights, relevant? Is a plaintiff's word supposed to be taken as true, should a plaintiff's word be taken as true if a plaintiff claims a judge made a mistake in a case and/or should a plaintiff be allowed to show evidence to support such a claim?

7. Is the statute consistent with other laws and with other rulings in similar cases? Does being poor matter in courts? Do the poor not have to pay filing fees if they cannot afford to? Under Section 391, is there no option to re-file if someone later gets the money for security? If sanctions are imposed on a poor person, who cannot pay, is payment not required? Why can litigants with lawyers, lawyers, and pro se litigants be sanctioned for the same behavior, but only pro se litigants are affected by Section 391?

8. Did my complaint have merit? Should a contract illegally broken take precedence over a second that was not of mutual consent? Did I refer to California contract law that supported my claims such as Civil Code sections 1550, 1556, 1565, 1567, 1570-76? Were there duress, fraud, menace, undue influence, and mistake? Was I not capable of entering a contract because my civil rights were denied or because of my mental condition of stress, depression disorder, anxiety disorder, and post traumatic stress disorder? For example, were there threat and menace to my

character, mental, and physical well-being, were statements, known to be untrue, made by the defendants, was there bad faith in claims by the defendants, did the defendants lie to other parties, was there undue influence, did anyone mistakenly believe intentionally or unintentionally untrue statements made by my supervisor and others? Is it against California fraud law to cause a person to be denied Workers' Compensation benefits by lying, misleading, and committing perjury? Does that also violate federal law that makes making false statements, to deny medical treatment, a crime? Was I wrongly threatened and harassed and denied my free speech rights about sending an email to my former employer's CEO and asking to talk with him about what I said was wrongful termination and discipline and that some customers' money should probably be returned and sending a second email to say that I did not want to talk with anyone at the company without documentation of the conversation because I was afraid of people who would lie?

9. Was the denial of a similar request by the defendants in federal court grounds to not have it decided again in state court? Would that violate the right not to have the same issue or cause of action determined twice? Is *Acuna v. Regents of University of California* relevant?

10. If the right to petition that is in the 1st Amendment includes speaking of grievances in court,

is it not adverse if a person at least wants to be heard and have his or her day in court?

11. Did my cases have merit? Were my first state and federal cases with Sony dismissed because of a settlement? Was my state case about my two emails and free speech combined with a federal case? Was the federal case partly dismissed without prejudice? Did the federal court err in ruling that retaliation by a former employer did not violate federal discrimination law or state FEHA law? Did the federal court err by ruling that Section 1983 did not apply? Did my communications with state and federal agencies about the issue constitute state involvement? Did Section 1985 apply? Was my 2004 federal case with Sony partly dismissed without prejudice? Did the court err in not ruling that state contract laws were violated and were relevant, because a challenged settlement was signed relating to a state court case, and the defendants claimed I had to dismiss the federal case, and was that claim valid? Was my first federal case relating to the EEOC dismissed with prejudice because I should not have named the EEOC as a defendant and needed to do administrative remedy? Was I later able to file again and that case was dismissed without prejudice because of a service issue? Was a state case related to the EEOC combined with a federal case? Was my state case with my union partly dismissed without prejudice? Was the rest of the case dismissed with prejudice because of an issue that federal court had

jurisdiction? Should fraud have been allowed to proceed in state court because the union stated in a letter to me that the union contract with my employer prevented my employer from disciplining or terminating a union member without cause, and so the contract did not have to be reviewed? Was the ruling to dismiss in federal court with prejudice, because it was ruled I should have known that the union would not help me more than six months prior to filing the case, a correct and fair ruling? Was this a procedural issue and not a merit issue? Is the standard to start the statute of limitations when a person should have known the union did something wrong? Is there documentation that the union said they did not have to help me and still maintained it in the case's court papers, and was it fraudulent to say that and understandable that I might believe them? Why should I have known if the union claimed that and I still believed it after communicating with a lawyer about that issue and after reviewing the contract? Were my federal and state cases with a workers compensation doctor properly dismissed with prejudice? Did the state court rule that medical malpractice did not apply because the doctor was not my doctor but the doctor for the benefit of the insurance company even though I picked the doctor, who was the second doctor I saw? Did I request a second doctor for my benefit? Did the doctor try to benefit me and give me advice, which the defendant's lawyer's paper stated could be a cause of action in such a situation? Did the court rule that the doctor's

report was a privileged report? Were there other issues that were not in the report that were proper causes for action, such as refusal to look at evidence and improper behavior in the meetings? Do doctors have to abide by FEHA laws? Was the federal case dismissed with prejudice because of a jurisdiction issue and not merit? Do federal discrimination related laws apply to doctors? Is it true that only four of the cases, excluding the settlement cases, were totally dismissed with prejudice and that of those four, one was about jurisdiction, three were about procedure and not merit and one was mainly about immunity? Are the circumstances that: I was wrongly punished, denied promotions, defamed, and terminated while at Sony due to the actions, inactions, and/or conspiracy of several people and especially my immediate supervisor, then my union would not help me or look at all my evidence, the EEOC would not look at all my evidence and dismissed my claim there, two workers' compensation doctors denied a claim without looking at all my evidence, Sony gave false information that the two doctors used, Sony got me to sign a settlement by fraud, perjury, threat of more damage to my name, career, and financial well-being, and by undue influence, Sony threatened and harassed me and retaliated against me over two emails that were protected by free speech, Sony denied me a good reference, and is it understandable why someone would want to try to defend himself or herself from these things and to correct these things?

12. Was the intent of the statute to stop frivolous lawsuits? Why does it not try to stop lawyers and litigants with lawyers, who have done the same thing? Did my cases have merit? Is the statute normally and usually used sparingly, and was it used differently in this case? Did the judges use discretion that is normally and usually given in these types of cases? Does the statute chill new arguments and ideas? Can pro se litigants have new and good ideas?

13. Must there be intent to do something wrong? Are mistakes, lack of understanding, or incompetence wrong? Do state and federal laws allow a litigant to ask that a law be changed or made or annulled as long as there is no wrongful intent?

14. Must the cases lack merit, or was it the intent of the statute to count cases without merit, as the five that can be used against a pro per litigant? Do or can cases dismissed for issues like procedure, statute of limitations, jurisdiction, or immunity count as cases that can part of the five?

15. What are the definitions of merit and frivolous used in state and federal courts?

16. Does frivolous mean with no law at all to support a cause of action and with no possible argument for a law to be made, voided, or amended? Is it very hard to determine that, especially if someone vehemently

and honestly believes they have a case or should have one?

17. Are pro per people and their arguments and papers given the same treatment as lawyers and their arguments and papers? Do judges assume the lawyer must be right and not review and research both sides' points as the judges would if both sides had lawyers? Does the law overlook that lawyers may make mistakes, mislead, confuse, or lie or that judges may make mistakes, be biased, or lie? Is it reasonable for a pro se to know or find all relevant laws and rules, including laws that overrule other laws and how to include all relevant information in a complaint? Can information be added in writing or spoken words if that is what is needed? Is it even reasonable for a lawyer or even a judge to know all these type of things? Are lawyers banned from court for bad faith, and can pro se litigants be banned even though they are making good faith arguments?

18. Were there laws that supported my case as having merit, such as contract laws, fraud laws, defamation laws, and harassment laws? Would a person really rather harass than have his or here reputation, job, income, and career back to where they should be, have free speech rights, and receive medical benefits? What could be delayed if papers were filed on time? Is it true that the defendants and judges never claim that I am greedy and want money but instead claim or imply or I want to harass or may want to?

19. Were there intentional bad behavior, bad faith behavior, negligent behavior, and even criminal behavior? Does using this law violate the constitution and what Americans believe in and stand for and that Americans have fought and died for since the country started? Does the statute help and aid America's enemies? Does it cause fear, anxiety, and confusion to those it affects or can affect? Are people who use the statute being un-American and/or committing treason? Does the Constitution say judges can be judges during good behavior? If the judges were displaying bad behavior, should they not have been allowed to be judges in this case and should their decisions be overruled because of bad behavior and should they be removed from their positions? Was there malicious prosecution or something similar or equivalent by the defendants, their lawyers, and/or the judges? Did the defendants and their lawyers have dirty hands? Did Judges Boren and Hilberman wrongly claim the statue applied to me and my cases? Did Judge Boren falsely accuse me of not requesting permission from the presiding judge to file an appeal about my case being dismissed?

20. Do federal and state laws grant the right to a fair trial?

21. Is the label, vexatious litigant, defaming and incendiary, especially if the pro per litigant acted in good faith or if honest mistakes were made, even by

judges or if an opposing lawyer acted in bad faith? Is the label like saying someone did something un-American and abused the constitution and laws, rights, and privileges?

22. Will people in the general public be more afraid to speak out and/or act on their own? Does and can the statute create fear and anxiety in people because of feeling they cannot protect their lives, liberty, property, reputation, well-being, and happiness? Are people who cannot defend themselves in court more likely to use worse ways, unlawful ways, and/or violent ways to defend themselves from others and/or from the statute?

23. Does the behavior of the defendants violate the statute? Can a frivolous tactic be grounds to be declared a vexatious litigant, put on the pre-file list, and/or post security? Did my evidence show that the defendants committed perjury or allowed it, such as in the jury duty issue? If my case had merit, was saying it did not, a frivolous tactic? Was saying I re-filed cases repeatedly, if I did not, a frivolous tactic and also lying and committing perjury? Should there be criminal charges, fines, jail or prison time, sanctions, and disbarment and/or other discipline for all the defendants and also for at least two judges? Why was there no punishment or sanctions against the defendants and/or their lawyers?

24. Have the defendants wrongly accused me of wrongdoing, such as abusing the judicial system, and harassing, when in fact, they have done that?

25. Are poor discriminated against? Are certain individuals or groups that may or may not be in protected classes more likely to be poor and not afford a lawyer or not know how to get one? May not getting a lawyer be about something that may not seem obvious or may not show in written papers, like persuasion skills, shyness, social anxiety, looks, charisma? If a pro se litigant asks permission from a judge to file a case, how long does the judge have to make the decision, and what if the statute of limitations passes before the judge allows filing even if the judge received the case before the statute of limitations passed?

26. Do judges face political pressure, pressure from the state legislature, and/or pressure from the American Bar Association or a branch, which they are part of, which their friends, peers, and fellow professionals are or may be a part of, and which initiated the law and wanted it? Is it easy for a judge to think a pro per litigant cannot know more or be right compared to a lawyer, who has education, training, and experience that judges also have? Is it easy to think a pro per litigant is not one of them, not one in their profession and with their qualifications, and so should not be taken as seriously?

27. Is it relevant if a pro per litigant wanted a lawyer and could not get one and totally believed he or she was right and believed what he or she was doing was very worthwhile and good for others as well as for himself or herself? What if a person still believed they were right and the laws supported them even after cases or issues were dismissed and believed judges made some errors?

28. Is not knowing the law precisely and how it is applied a reason to not allow someone to petition a court, if that person honestly believes a wrong is done and that their should be a remedy? Does California state law say that for every wrong, there is a remedy? Can any case be improper to bring unless the bringer is lying about what happened or about harm?

29. If someone is really zealous over an idea or belief that he or she thinks the law does or should address, is that or can that be good for all, maybe just to consider well-intentioned ideas?

30. Should fair ideas that apply to all be used or thought about and should an attempt be made to come up with such ideas?

31. Is it true the chain of events, in my legal battles, that followed my termination would not have happened or would not have happened so soon, if I had not gone on jury duty? Was I doing jury duty to

do my duty as a citizen and to help out the very court that ended up punishing me? Do documents that I presented in state court and federal court show that jury duty was an issue and the final issue in my termination and was I discriminated against for taking too long for jury duty?

32. What factors or bases, besides merit, can a judge use to rule that a pro se litigant has no probable chance of winning?

Basis of Jurisdiction of First Court

The California Superior Court had jurisdiction because the case involved California state laws.

Argument for review on a Writ of Certiorari

This case involves constitutional rights and federal law rights to petition the government, to have equal treatment, and to file a case. I do not believe this Court has made a decision about the constitutionality of California Code of Civil Procedure Section 391.

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Appendix

Court of Appeal, Second Appellate District, Div. 1
– No. B189231
S142869

IN THE SUPREME COURT OF CALIFORNIA

En banc

GLENN HENDERSON, Plaintiff and Appellant

v.

SONY PICTURES, Defendant and Respondent

Petition for review DENIED.

Supreme Court
Filed
Jun 14 2006
Frederick K.
Ohlrich Clerk
Deputy

GEORGE
Chief Justice

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

GLENN HENDERSON,) **CASE No.: B1189231**
Plaintiff and Appellant,) **Superior Court No.**
vs.) **SC085392**
SONY PICTURES) **Los Angeles County**
ENTERTAINMENT, et al.,)
Defendants and Respondents)- Order

Stamped filed MAR 17 2006

Appellant Glenn Henderson, in the above entitled action filed a Notice of Appeal on February 24, 2006 from an order granting a motion to dismiss the complaint against the named respondents for failure to post security as required after the court found him to be a vexatious litigant. Said order was entered on December 8, 2005 by Los Angeles Superior Court.

Appellant did not request approval from the Administrative Presiding Justice of this Court before filing the instant appeal and is thus in violation of the prefiling order.

On February 24, 2006 this Court issued a notice to Appellant to show cause why this appeal has merit and has not been taken for the purposes of harassment or delay pursuant to California Code of

Civil Procedure s 391.7. Appellant's Response was filed March 3, 2006. Defendants/Respondents Sony Pictures Entertainment filed an Opposition to Appellant's Response and a Request for Judicial Notice on March 10, 2006.

The Court, having reviewed the filings made in response to its Notice to Show Cause, hereby makes the following rulings:

Appellant Glenn Henderson is a Vexatious Litigant within the meaning of Code of Civil Procedure s 391(b) and is subject to a duly issued prefiling order prohibiting the filing of new litigation in the Courts of the State of California without prior approval of the Presiding Judge/Justice of the court in which the litigant is to be filed pursuant to Code of Civil Procedure s 391.7.

Appellant's Notice of Appeal was filed on February 7, 2006 without appellant having obtained prior approval of the Administrative Presiding Justice of this Court.

Appellant having failed to meet his burden of showing that this appeal has merit and has not been taken for the purpose of delay in accordance with Code of Civil Procedure s 391.7 (C), it is now therefore ordered that the Notice of Appeal filed February 7, 2006 is hereby DISMISSED.

Boren, Admin. Presiding Justice

Boren, Admin. Presiding Justice

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

GLENN HENDERSON,) **CASE No.: B187753**
Plaintiff and Appellant,) **Superior Court No.**
vs.) **SC085392**
SONY PICTURES) **Los Angeles County**
ENTERTAINMENT, et al.,)
Defendants and Respondents) Order
Stamped filed JAN 17 2006

Appellant Glenn Henderson, in the above entitled action filed a Notice of Appeal on November 18, 2005 from an order granting a motion to declare him a vexatious litigant, require the posting of security and require him to request the approval of the Presiding Judge before filing any new litigation in the courts of the State of California entered on September 19, 2005 by Los Angeles Superior Court.

Appellant did not request approval from the Administrative Presiding Justice of this Court before filing the instant appeal and is thus in violation of the prefiling order.

On December 15, 2005 this Court issued a notice to Appellant to show cause why this appeal has merit and has not been taken for the purposes of harassment or delay pursuant to California Code of Civil Procedure s 391.7. Appellant's Response was filed December 15, 2005 as part of the filing of the Case Information Statement. Defendant/Respondent Sony Pictures Entertainment filed an Opposition to

Appellant's Response and a Request for Judicial Notice on December 30, 2005.

The Court, having reviewed the filings made in response to its Notice to Show Cause, hereby makes the following rulings:

Appellant Glenn Henderson is a Vexatious Litigant within the meaning of Code of Civil Procedure s 391(b) and is subject to a duly issued prefiling order prohibiting the filing of new litigation in the Courts of the State of California without prior approval of the Presiding Judge/Justice of the court in which the litigant is to be filed pursuant to Code of Civil Procedure s 391.7.

Appellant's Notice of Appeal was filed on November 18, 2005 without appellant having obtained prior approval of the Administrative Presiding Justice of this Court.

The order entered on September 19, 2005 declaring Glenn Henderson to be a vexatious litigant, require the posting of security and require him to obtain permission from the Presiding Judge before filing any new litigation in the Courts of the State of California is not an appealable order or judgment.

Appellant has failed to meet his burden in showing that the above entitled appeal has merit and has not been taken for the purposes. It is now therefore ordered that appeal being taken from a nonappealable order and Appellant having failed to meet his burden of showing that his appeal has merit and has not been taken for the purpose of harassment or delay in accordance with Code of Civil Procedure

s 319.7(C), the Notice of Appeal filed November 18, 2005 is hereby DISMISSED.

Boren, Admin. Presiding Justice

Boren, Admin. Presiding Justice

Stamped DEC 08 2005

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF LOS ANGELES

GLENN HENDERSON,
Plaintiff,
v.
SONY PICTURES ENTERTAINMENT, 26 people et al. (names omitted)
Defendants,
(dates, time, dept omitted)
Judge: Honorable Joe W. Hilberman

ORDER GRANTING DEFENDANTS SONY PICTURES ENTERTAINMENT INC., AMY DOW, JAMES ZAPP, HOLLY LAKE AND PAUL, HASTINGS, JANOFSKY & WALKER LLP'S MOTION TO DISMISS

The motion of defendants Sony pictures Entertainment Inc., Paul, Hastings, Janofsky & Walker LLP, James Zapp, Holly Lake and Amy Dow ("SPE Defendants") for dismissal of this action for failure of Plaintiff Glenn Henderson to furnish

security as ordered, came on regularly for hearing before the Honorable Joe. W. Hilberman of the Superior Court of the State of California, on November 18, 2005, at 9:00a.m., in Department G of the above-referenced Court. Plaintiff appeared in pro se. SPE Defendants appeared through their respective counsel of record Holly R. Lake of Paul, Hastings, Janofsky & Walker LLP. Defendant ESIS appeared through its counsel of record Marlon D'Oyen, of Clinton & Clinton.

The Court, having fully considered the papers, evidence and argument presented by counsel for Defendants and Plaintiff in pro se, HEREBY ORDERS as follows:

1. SPE Defendants motion for order dismissing action for failure to furnish security pursuant to California Code of Civil Procedure Section 391.4 is granted.

2. This action is dismissed as against Defendants Sony Pictures Entertainment Inc., Paul, Hastings, Janofsky & Walker LLP, James Zapp, Holly Lake and Amy D w *with prejudice*.

Dated DEC JOE W. HILBERMAN

Honorable Joe W. Hilberman

Superior Court of the State of California

Submitted by:

(information omitted)

Stamped SEP 19 2005

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF LOS ANGELES

GLENN HENDERSON,
Plaintiff,
v.
SONY PICTURES ENTERTAINMENT, 26 people et al. (names omitted)
Defendants,
(dates, time, dept omitted)
Judge: Honorable Joe W. Hilberman

ORDER GRANTING DEFENDANTS' MOTION FOR ORDER (1) DECLARING PLAINTIFF TO A VEXATIOUS LITIGANT, (2) REQUIRING PLAINTIFF TO FURNISH SECURITY, AND (3) PROHIBTING VEXATIOUS LITIGANT FROM PURSUING FURTHER LITIGATION WITHOUT COURT ORDER

The motion for an order: (1) declaring Plaintiff a vexatious litigant; (2) requiring Plaintiff to furnish security; and (3) prohibiting vexatious litigant from pursuing further litigation without court order of Defendants Sony Pictures Entertainment Inc., Paul, Hastings, Janofsky & Walker, LLP, James Zapp, Holly Lake and Amy Dow came on regularly for hearing before the Honorable Joe. W. Hilberman of the Superior Court of the State of California, on September 19, 2005, at 9:00a.m., in Department G of the above-referenced Court. Defendants appeared

through their respective counsel of record. Plaintiff appeared in pro se.

The Court, having fully considered the papers, evidence and argument presented by counsel for Defendants and Plaintiff in pro se, HEREBY ORDERS as follows:

Defendants' motion for an order: 1) declaring Plaintiff a vexatious litigant; (2) requiring Plaintiff to furnish security in the amount of $10,000 within 20 days; and (3) prohibiting vexatious litigant from pursuing further litigation without court order is granted. This action is stayed pending posting of security by plaintiff.

IT IS SO ORDERED.

Dated SEP 19 2005

JOE W. HILBERMAN
Honorable Joe W. Hilberman
Superior Court of the State of California

Superior Court Judge Hilberman verbally stated approximately that it appeared all my cases came from the same events and that I definitely lost five or more cases on approximately September 19, 2005.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

DIVISION p

Glenn Henderson
Vs.
Sony Pictures Entertainment

stamped
Filed
FEB 01 2006

B187753
Los Angeles County No. SC085392

THE COURT:

Appellant's Petition for Rehearing, filed on January 31, 2006, is denied.

Boren, Admin. Presiding Justice

Boren, Admin. Presiding Justice

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

DIVISION p

Glenn Henderson
Vs.

stamped
Filed

Sony Pictures Entertainment FEB 01 2006

B189231
Los Angeles County No. SC085392

THE COURT:

Appellant's Petition for Rehearing, filed on April 3, 2006, is denied.

Boren, Admin. Presiding Justice

Boren, Admin. Presiding Justice